

**SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
JULY 14, 2022
REGULAR MEETING 5:00 p.m.**

SUMNER COUNTY ADMINISTRATION BUILDING
BETHEL BROWN COMMISSION CHAMBERS
355 N. BELVEDERE DRIVE DOBBINS
GALLATIN, TN. 37066

MEMBERS:

BRUCE RAINEY, CHAIRMAN
SANDY WEBSTER, VICE-CHAIRMAN
MAC HOLT
SHAWN UTLEY
JIM HARRISON

STAFF PRESENT:

JOSH SUDDATH, DIRECTOR OF DEVELOPMENT SERVICES
KATHY YOUNG, ASSISTANT TO THE DIRECTOR OF DEVELOPMENT SERVICES
MARSHALL BOYD, COUNTY ENGINEER

Mr. Rainey called the meeting to order and asked to discuss Agenda.

Mr. Suddath requested as an addition to the agenda to have the August 11th meeting moved to August 18th due to his family expecting a new baby. Without objection Mr. Rainey stated that the next meeting date was moved to August 18th.

Mr. Rainey called for approval of the June Minutes.

Ms. Webster made a motion to approve the June Minutes, seconded by Mr. Harrison.
The motion passed unanimously.

Mr. Rainey asked if there were any changes to the July Agenda.

Upon confirmation from Mr. Suddath that there were no changes, Mr. Rainey stated that the Agenda stands as presented.

Mr. Rainey explained that for the Consent Agenda he would be reading the name and address of each item. Mr. Rainey then stated that if any member of the board or audience would like to discuss an item, to let him know so as to have it removed from the Consent Agenda.

Mr. Suddath stated that he passed out example motions with conditions of approval for the Consent Items some of which were old conditional use permits and others in need of walkthroughs.

Mr. Rainey read the Consent Agenda items as follows:

CONSENT AGENDA:

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- 1. Holly Meyer, representing Providence Baptist Church** is requesting a continuation of a Conditional Use Permit granted on July 12, 2018, in order to operate a daycare center at the church. Subject property is located at **1100 Keen Hollow Road, Westmoreland, TN 37186**, is on Tax Map 024, Parcel 060.00, contains 4.10 acres, is zoned Rural Residential (RR) and is in the 1st Voting District (Terry Wright).

The adjoining property owners were notified by regular mail.

- 2. Doyle Glasgow** is requesting a continuation of a Hardship Variance granted on June 10, 2010, to keep a mobile home on their property in order to facilitate elder care. Subject property is located at **189 Vantrease Lane, Gallatin, TN 37066**, is on Tap Map 102, Parcel 008.00, and is zoned Rural Residential (RR), and is in the 4th Commission Voting District (Jerry Foster and Leslie Schell).

The adjoining property owners were notified by regular mail.

- 3. Chris Brown** is requesting a continuation of a Conditional Use Permit, granted on July 10, 2008, in order to operate "Highway 259 Auto Garage". Subject property is located at **1911 Highway 259, Portland, TN, 37148**, is on Tax Map 014, Parcel 054.00, contains 1.05 acres, is zoned Rural Residential (RR) and is in the 2nd Voting District (Larry Hinton and Billy Geminden).

The adjoining property owners were notified by regular mail.

- 4. Katherine Cox** is requesting a continuation of a Conditional Use Permit granted on July 14, 2016, to conduct a business making jewelry and metal armor for film and theater. Subject property is located at **1998 Pleasant Grove Road, Westmoreland, TN, 37186**, is on Tax Map 026, Parcel 031.01, contains 66.18 acres, is zoned Rural Residential (RR) and is in the 1st Voting District (Terry Wright).

The adjoining property owners were notified by regular mail.

- 5. Frank and Donna Kirkbride** are requesting a continuation of a Conditional Use Permit granted on July 14, 2011, to conduct a small winery. Subject property is located at **318 Corinth Road, Portland, TN, 37148**, is on Tax Map 031, Parcel 079.00, contains 92.45 acres, is zoned Rural Residential (RR) and is in the 1st Voting District (Terry Wright).

The adjoining property owners were notified by regular mail.

- 6. Ralph Reed** is requesting a continuation of a Hardship Variance granted on June 9, 2020, for a relative to live in a proposed structure on subject property, due to medical circumstances. Subject property is located at **676 Hogback Ridge Road, Bethpage, TN, 37022**, is on Tax Map 048, Parcel 027.00, contains 4.3 acres, is zoned Rural Residential (RR) and is in the 1st Voting District (Terry Wright).

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The adjoining property owners were notified by regular mail.

7. **Ken and Jessi Knack** are requesting a continuation of a Hardship Variance granted on January 9, 2020, for a relative to live in an existing structure on the subject property to care for a relative due to medical circumstances. Subject property is located at **394 Martin Lane, Cottontown, TN, 37048**, is on Tax Map 075, Parcel 012.03, contains 3 acres, is zoned Rural Residential (RR) and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper).

The adjoining property owners were notified by regular mail.

8. **David and Rita Leath** are requesting a continuation of their Conditional Use Permit to operate an event venue. Subject property is located at **5595 Coleytown Road, Westmoreland, TN, 37186**, is on Tax Map 044, Parcel 050.01, contains 47.4 acres, is zoned Rural Residential RR) and is in the 1st Commission Voting District (Terry Wright).

This item was deferred at the June 9, 2022 BZA meeting.

Adjoining property owners were notified by regular mail.

Next, Mr. Rainey asked if anyone wished to remove any of the items from the Consent Agenda.

There being no one wishing to remove any consent agenda items, Mr. Harrison made a motion to approve per the example motions presented by staff seconded by Mr Holt. Motion passed unanimously.

- 1) **To approve a request for a continuation of a Conditional Use Permit to operate a Day Care Center at Providence Baptist Church, located at 1100 Keen Hollow Rd, Westmoreland, Tennessee contingent upon the following:**
 - a) **A walkthrough will need to be conducted by the County Building Codes Director and the State Fire Marshall's office;**
 - b) **Any improvements required shall be completed by the applicant prior to the issuance of a Use and Occupancy Permit.**
- 2) **To approve a request for a continuation of a Conditional Use Permit for a period of two years for 189 Vantrease Ln, Gallatin, Tennessee**
 - a) **A walk through shall be conducted by the County Building and Codes Department, and all applicable permits shall be obtained.**
- 3) **To approve a request for a continuation of a Conditional Use Permit for a period of two years for 1911 Highway 259, Portland, Tennessee**
 - a) **A walk through shall be conducted by the County Building and Codes Department, and all applicable permits shall be obtained.**
- 4) **To approve a request for a continuation of a Conditional Use Permit to operate a jewelry and metal working business for 1998 Pleasant Grove Rd, Westmoreland, Tennessee.**
- 5) **To approve a request for a 2 year continuation of a Conditional Use Permit to operate a winery in a proposed building for 318 Corinth Rd, Portland, Tennessee**

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- a) A walk through shall be conducted by the County Building and Codes Department, and all applicable permits shall be obtained prior to operation of the winery within the existing barn structure on site.
- 6) To approve a continuation of a Hardship Variance for 676 Hogback Ridge Road, Bethpage for term of two years.
 - a) A walk through shall be conducted by the County Building and Codes Department, and all applicable permits shall be obtained.
- 7) To approve a request for a continuation of a Hardship Variance for 394 Martin Lane, Cottontown for term of two years.
- 8) To approve a request for a two year continuation of a Conditional Use Permit 5595 Coleytown Road, authorizing the operation of a wedding and event venue subject to the following condition:
 - a) No events shall be held on the site until such time as the State Fire Marshall and the County Building and Codes Director have signed off on the project and the County has issued a Use and Occupancy Permit.

REGULAR AGENDA:

1. **Danny Hale, represented by GreenLID Design,** is requesting a Special Exception related to a proposed Cluster Residential Development to be called “**Clearview Estates**”, containing 75 residential building lots. Special Exception is being requested in accordance with Chapter 14, Section 1411, Subsection E.5 of the County Zoning Resolution, and would allow a reduction in minimum lot sizes while maintaining the overall density allowed by the property’s current zoning. Subject property is located at **Weiss Road and Clearview Road, Cottontown, TN, 37048,** is found at Tax Map 037, Parcel 030.00, contains 78.19 acres, is zoned Rural Residential (RR) and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper). **Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, June 30, 2022.**

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

Mr. Suddath provided an overview of the property, stating that this request for a Special Exception for a Cluster Residential Development is the third one submitted in the last couple of months

Mr. Suddath then explained that the request is for authorization from the BZA to utilize provisions of the County Zoning Resolution related to “Clustering” of Residential Lots. Provisions allow reduction of minimum lot sizes provided that overall density of base zoning is not exceeded. Provisions are found in Chapter 14, Section 1411 Subsection E.5 of the County Zoning Resolution. “Cluster” provisions have been in place in County Zoning Resolution since the original adoption of Zoning in 1973 and other jurisdictions as Wilson County have set provisions in place as well.

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Next, Mr. Suddath explained the Utilities for the property:

- Water: White House Utility District
- Electric: Cumberland Electric Membership Corporation
- Sewer: Tennessee Wastewater (Adenus)

Mr. Suddath displayed an aerial view of the property, stated that adjoining property owners had been notified by Certified Mail and Public Notice was printed in The Gallatin News and Hendersonville Standard. On the subject property view, Mr. Suddath pointed out the adjoining subdivision along with both Weiss Road and Clearview Road. Lots are perked Phase 1 of the Clearview Estates subdivision, with a total of eight (8) lots. There is a future road connection that was platted with the first phase.

Mr. Suddath explained that a Sketch Plat for the properties 70 lots was approved by the Sumner County Regional Planning Commission on April 27, 2021. Among the recommendations made by the Commission, one was to include a second connection into the property, which was on conceptual plans turned in. A Final Plat for Phase 1 of the Clearview Estates Development containing 8 lots was approved by the Planning Commission on July 23, 2021 and was recorded on October 6, 2021. Homes for Phase 1 are currently close to completion and have active permits.

Explaining the Conceptual Plan, Mr. Suddath explained that the first phase contains 75 lots. Mr. Suddath then pointed to the northern area where the STEP system is proposed. Lot sizes proposed for all lots range from 16,000+ square feet to 37,000 square feet. Zoning Code requires Open Space must equal overall reduction in lot size from base amount or 40%, whichever is greater. This plan has 1,381,735 sq ft (40.09%) of the overall property left as Open Space which appears to meet requirements.

Mr. Suddath stated that the County's Comprehensive Plan for Suburban place types corresponds with the City of Portland's Urban Growth Boundary. Referring to the activity table used for determining land use, Mr. Suddath stated that Clustered Residential Developments are allowed in Rural Residential zones as Special Exception subject to specific standards.

Next, Mr. Suddath explained the Zoning Resolution Requirements (Chapter 14, Section 1411, Subsection E.5), regarding Cluster Residential Developments, including; Procedures, Development Standards, Local Open Space and Open Space Operation and Maintenance Standards. Mr. Suddath stated that a water availability letter was provided and that water lines are available for improvements and for fire services. He further explained that while a Soil Map and Letter of wastewater utility has been submitted, State approval has not yet been received and

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will be requested as a requirement as a condition of approval before proceeding to the Planning Commission. Traffic analysis has been previously provided.

Mr. Suddath displayed and explained photos of construction site, the public notice signs, roads and recorded plat for Clearview Farm, Phase 2. Mr. Suddath explained the area on Weiss Road that was platted with a temporary turn around with intent to connect road to the northern properties for future development, which is what is currently proposed. Traffic Study Conclusions were also explained.

Mr. Suddath then reviewed the four Required Findings for Special Exceptions, and Staff Interpretation, stating that a special exception shall only be granted provided the Board makes specific findings that it:

1) Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

Staff Interpretation: Two road accesses shown. Internal infrastructure and road improvements will be required during platting process in accordance with Traffic Study and County Subdivision Regulations. Water line upgrades conducted by the developer will allow fire hydrant installation throughout the development.

2) Will not adversely affect other property in the area in which it is located;

Staff Interpretation: Impacts to be mitigated through road improvements, required buffering etc as required by traffic study and County Zoning Resolution.

3) Conforms to all applicable provisions of this Resolution for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

Staff Interpretation: Applicable requirements appear to be generally met. However, while a Soil Map and Letter from Utility have been provided for the STEP system, no STEP system design or State approval has been provided. Applicant is requesting that obtaining State approval be a BZA condition of Approval. No additional Planning Commission approvals would be allowed until such time as this is done.

4) Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

Staff Interpretation: Proposed overall density is less than what is allowed by right for the subject property, and is roughly comparable to adjoining development along Weiss Road, except that this development will have common open space, sidewalks, wider roadways etc. Impacts must be mitigated via traffic improvements, required buffering, Stormwater improvements etc.

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Mr. Suddath then explained the next steps and concluded his presentation with example motions, before turning the meeting over to Mr. Rainey.

Mr. Rainey opened the Public Hearing by asking the applicant to come forward with any additional information.

Andy Leath, GreenLID Design, stated that open space would be continuous with the exception of right of way. Where there are streets, the open space has to cross the right of way to remain continuous even the parts platted for Phase 1.

Mr. Suddath stated that there was a 15 foot connection provided for the open space.

Mr. Leath requested that STEP System approval from TDEC will be a condition of approval. State was involved with soil mapping which is required by step system, and a full design is required for approval.

Mr. Rainey asked if the Board had any questions for the requestor which at the time were none. Mr. Rainey then asked if the roads would be public or private.

Mr. Leath replied that all roads would be public.

Mr. Rainey stated that since the county has no provision to sidewalk maintenance, felt that those ought to be placed in the HOA documents.

Mr. Suddath stated that Rutherford County had been consulted as an example on the impact of sidewalks and as Rutherford County has done, the HOA would be responsible for sidewalk maintenance.

Mr. Rainey asked if the HOA would be responsible for stormwater maintenance as well.

Mr. Suddath stated examples of HOA responsibilities among them being stormwater and sidewalk maintenance a definite HOA responsibility.

Mr. Rainey then asked if the restrictions for proposed development would be comparable to the adjoining development as far as home sizes.

Mr. Leath called on developer Danny Hale to answer restriction questions.

Danny Hale, 761 Plantation Blvd, stated that restrictions are stronger than existing ones, same builder to meet same requirements.

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As an observation, Mr. Rainey added that should this plan be approved that wetlands are protected from the HOA to keep as natural area.

Mr. Rainey asked if there were any questions from the Board.

Jim Harrison asked if there is an intent of water retention, a side stream on the west side of the property.

Mr. Leath explained where the stream begins, the areas that would not be environmentally impacted and where wetlands begin. Mr. Leath noted that wetlands would not be near a lot that would need to be cleaned out.

Mr. Rainey asked if there were any questions from the Board.

Referencing a satellite view of the property Mr. Holt wanted to know if there was a sink hole in the area.

Mr. Leath stated that he did not know, other than contours it didn't show a sink hole. It is not a wetland or stream but seems like drainage. Mr. Leath stated that the farmer was avoiding the area because of it being a wet area. If it were a sink hole than it is buffered well but contours do not indicate it as one.

Mr. Suddath asked whether there would be access to the STEP System by county access road.

Mr. Leath explained that what Adenus requires for access will be taken from dead end right of ways and a gravel drive will be left so as to be paved by county if they chose to.

Mr. Holt inquired on the 2.7% traffic growth noted on the Traffic Study report during which it was down to 24% during Covid.

Mr. Leath stated he would confirm the growth number with Mr. Rich Phillips whom they asked to create a revised Traffic Study due to the inaccuracy of traffic counts during the Covid year.

Mr. Utley stated that while other other roads were addressed, the intersection of Maxwell Branch and Clearview was not.

Mr. Leath stated that upon County request that area would be analyzed with the Traffic Study.

Mr. Rainey asked if Clearview Road was addressed as it intersects with 31W and is its' primary exit.

Mr. Leath stated that 89% of the people in the area travel on 31W coming from all directions.

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Mr. Rainey opened the Public Hearing.

Matt Bradley, 214 Aplin Branch Road, expressed opposition, stating his concern of the STEP System and whether it would affect his property as it borders proposed area.

Tom Short, 264 Riggs Road, expressed opposition, stated concerns of traffic impact, aesthetics and environmental issues.

Ken Thompson, 140 Thompson Drive, expressed opposition, stating concerns on traffic and difficulty in moving agricultural equipment and inquired on an history and explanation of how the STEP System works. Mr. Thompson asked whether it had been established that in the future no new additional homes would be built in that development.

Mr. Rainey stated that inquiries on the STEP System can be addressed by staff later on in the meeting. Although STEP System systems are not new, they are fairly new to Sumner County with there being 2-3 in operation and are not a nuisance.

Michael Moore, 645 Buntin Mill, expressed opposition, stated concern over the existence of a sink hole, environment impact, ongoing STEP System maintenance costs and size, quality and aesthetics of the new homes.

Sharrie Phelps Womble, 1003 Roland Court, stated concern with the aesthetics, water run-off and traffic impact especially during construction and how it would damage Weiss Road.

There being no one else wishing to speak, Mr. Rainey closed the Public Hearing.

Addressing construction traffic going through Weiss Road, Mr. Suddath stated that he would like to discuss with Mr. Leath limited use of construction traffic on Weiss road so as to avoid road damage, and use a different entrance instead. If construction traffic must utilize road, it would be agreed by the Highway Department that significant bond would have to be posted in order to ensure the road is completely repaired and repaved after construction.

In reference to sink holes, Mr. Suddath stated that during the platting process for the Preliminary Plat, sink holes would need to be found, specifically used and protected by 30 foot buffer requirements. Calculations would done to ensure their will be no flooding as a result.

In addressing future developments to adding additional lots, Mr. Suddath stated that developer would have to again go through the BZA process and apply for a special exception. Getting

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additional lots would not be allowable within this property itself. If adjacent property is to be developed, it would have to go through a process with the county to subdivide.

Mr. Suddath addressed the STEP System. Each lot has a septic tank like a normal house that houses waste in the tank, there is a pump in the front yard that holds the effluent and gets pumped into the drain field. Every so often the individual tanks have to be pumped. The difference from a traditional septic tank, is that it acts like a small public sewer utility that would be charged by the Tennessee Waste Water as a utility bill to the homeowners. The STEP System companies are heavily regulated by the State and fines would be imposed through TDEC if not compliant. An alert system in the front yard is in place 24 hours a day, which notifies company to dispatch immediate service when needed. The STEP System is made to be self sufficient. The septic company is required by the state to maintain sewer lines. The state would not entrust an HOA with the STEP System.

Mr. Rainey added that the STEP System company is actually a public utility run like the City of Gallatin Utility or White House Utility, and the State of Tennessee corresponds with that operator.

Mr. Rainey then asked Mr. Suddath if it is still a requirement for a filter that goes from the tank to the pump chamber.

Mr. Suddath replied he was not familiar with the exact process.

Mr. Rainey asked Mr. Suddath if sample home styles were presented.

Mr. Suddath replied that no samples were presented and it was his understanding that the example architectural to be used is essentially like the one viewed in the presentation for Phase 1.

Mr. Rainey asked Mr. Suddath if the example home styles were not a part of the presented documents.

Mr. Suddath stated that the reason for home style examples not being presented is because the County is not allowed by State Law to do design review.

Mr Rainey stated that the BZA is not bound to architectural review but bound by deciding on whether proposal can be done or not, and whether it meets county requirements.

Mr. Rainey stated that there was still concern with the Traffic Analysis presented. The Board would need to decide if what has been presented is adequate. Mr. Utley expressed concern as to

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why the road entrance and the intersection at Clearview Church were not included in the Traffic Study. Mr. Utley also expressed concern on the percentage of growth.

Mr. Rainey stated that this plan was not comparable to the two previous plans reviewed that did not address multiple areas whereas this one addresses all with the exception of the Traffic Study.

Mr. Harrison expressed concern with a labeled box placed near a labeled buffer on the south side corner and asked the developer if the intent is to carry buffer around all the houses.

Mr. Leath stated that the intent was to complete a buffer around the perimeter of the site.

Mr. Leath explained that the tree line near Lot 55 is almost the width of the lot and the 30 foot buffer goes around the perimeter. He also explained that the buffer near Lots 26 & 27 curls around and is continuous all the way through.

Mr. Harrison asked Mr. Leath if they would be committing to review intersection concerns addressed earlier in the Traffic Study discussion.

Mr. Leath replied that they would commit to reviewing intersection concerns in the Traffic Study along with requests for conditions of approval with additional areas of interest to be submitted to Mr. Suddath.

Mr. Suddath explained that road intersection issues in the Traffic Study could be addressed during Plat approval. In reference to the intersection, Mr. Suddath stated that it was feasible to say that it could potentially be reconfigured as three way stop.

Mr. Rainey stated that with the influx of traffic and traffic safety issues, the addition of traffic work being done should be looked into to help address those type of situations.

Mr. Rainey stated that if the Board determines that there are some technical issues that need to be addressed to their satisfaction but finds that all other issues have been resolved, then they have a choice of one of the example motions to approve the development with conditions. Mr. Rainey stated that Board has the authority to question which they have and suggested that if they find the project has met guidelines, to then forward it on to the County.

Mr. Utley asked Mr. Suddath if Phase 1 to the south, Weiss Rd and one to the east were at one one piece of property at one time. Mr. Utley questioned if its usual for a property originally developed under standard zoning, be partially developed, and then seek to cluster the remaining or is this a different case.

Mr. Suddath explained that the original plan had changed course after the first phase was approved about a year ago. Mr. Suddath stated that they might have gone back and reviewed

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other alternatives for the property probably based on the value of lots and the infrastructure costs. Infrastructure costs are cut down when you can build the same number of lots without having to extend the road.

Mr. Utley asked if you can begin with one zoning and then shift to a Cluster Development.

Mr. Suddath cited Creekview Estates off of Hwy 31 as an example. Phases 1-3 were built as a traditional 1 acre lot subdivision and Phase 4 as a Cluster development with a STEP System like one being proposed.

Mr. Harrison stated he would like to have the traffic engineers update the Traffic Study data to include intersection evaluations and left turn analysis. Mr. Harrison stated that although it will not change the conclusion, he would like to see the Traffic Study updated to a higher percentage because projections were taken from TDOT 5-6 years ago.

Mr. Holt agreed with Mr. Harrison and added he would like to include intersection of Maxwell Branch and Clearview in the Traffic Study.

Mr. Holt made a motion to approve a Special Exception for a Cluster Residential Development as depicted on the submitted concept plan for “Clearview Estates” containing 75 residential lots on 78.19 acres along Clearview and Weiss Roads, subject to the following conditions:

- a) All requirements shown on the Concept Plan shall be adhered to; requests for substantive changes shall be referred by staff to the Board of Zoning Appeals for consideration;**
- b) Requirements contained in the Sumner County Subdivision Regulations, County Zoning Resolution and County Stormwater Management Resolution shall be met for all future plat submittals;**
- c) Suburban/Cluster Residential Road Cross Section required, with Curb and Gutter for all internal roads.**
- d) Road improvements shall be made in accordance with a Traffic Study**
- e) Applicant shall obtain approval of STEP system prior to any Plat application being submitted to the Sumner County Regional Planning Commission.**
- f) Submit updated Traffic Impact Analysis, which must include analysis of the Maxwell Branch/Clearview Intersection and must update traffic projections.**

**Mr. Harrison seconded the motion.
The motion was approved unanimously.**

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Mr. Utley thanked the audience for their decorum during this meeting.

- 2. Jack Roek** is requesting a Special Exception to conduct a Temporary Christmas Tree Sales lot. Special Exception is being requested in accordance with Chapter 11, Section 1101, Subsection O of the Sumner County Zoning Resolution, related to Seasonal Attractions. Subject property is located at **2229 Hwy 76, Portland, TN 37148**, is on Tax Map 052, Parcel 005.02, contains 6.22 acres, and is zoned Rural Residential (RR) and is in the 12th Commission Voting District (Michael Guthrie and Justin Nipper).

Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, June 30, 2022.

Mr. Rainey stated that in reviewing packet, he found that he had surveyed property 29 years ago and would remain on item since he had no recollection of this.

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

Mr. Suddath provided an overview of this property and stated that the request is for a Special Exception Temporary Use Permit to operate a seasonal Christmas Tree Sales operation from November 25-December 22 each year. Sales would be conducted within the existing metal building, parking is shown on site plan provided. Mr. Suddath stated that staff can approve administratively temporary use permits on annual basis as long as certain requirements are met without having to return to the BZA monthly, unless they need to.

Mr. Suddath explained the Temporary Use Permit, Chapter 11, Section 1101, Subsection O and noted that this type of temporary use permit is classified as a Special Exception. When requirements for a Special Exception Permit are met they are generally approved.

Mr. Suddath displayed an aerial photo of the subject property as well as the site plan noting the tree lot, gravel parking area and metal building where sales will take place. Mr. Suddath stated that a condition of approval related to inspections by the State Fire Marshall for the metal building had been added.

Mr. Suddath explained that the current Zoning Resolution allows for “Temporary” type applications under a Special Exception from the BZA and elaborated on those requirements. Among those requirements building and State Fire Marshal requirements must be met.

In referencing Administrative Renewals, Mr. Suddath explained that when the BZA approves a permit, it can be renewed annually, however if there are reports of disturbance and complaints staff

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may refuse to approve administratively and send to BZA for approval. Permits are not transferable to another lot or person, it would have to go through the BZA process.

Next Mr. Suddath displayed and explained photo views of site, rezoning signs, structure, street views of both directions and stated site distance was good, and no traffic study was required.

Mr. Suddath then reviewed the four Required Findings for Special Exceptions, and Staff Interpretation, stating that a special exception shall only be granted provided the Board makes specific findings that it:

- 1.) Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

Staff Interpretation: The proposed location is located along a State Thoroughfare. Adequate sight distance appears to exist at this location, with good visibility to the north and south. Ingress and Egress to and from the site appears adequate.

- 2) Will not adversely affect other property in the area in which it is located;

Staff Interpretation: The use is in proximity to residential and agricultural uses, with residential homes across the street. While the use would only be allowed for an established period each year, it would be observable by neighboring property owners.

- 3) Conforms to all applicable provisions of this Resolution for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

Staff Interpretation: The proposed use and associated improvements appear to conform to applicable provisions of the County Zoning Resolution related to temporary uses.

- 4) Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

Staff Interpretation: The proposed location is located along a State Thoroughfare. Adequate sight distance appears to exist at this location, with good visibility to the north and south. Ingress and Egress to and from the site appears adequate. While the use would only be allowed for an established period each year, it would be observable by neighboring property owners.

Mr. Suddath then explained the next steps and concluded his presentation with example motions, before turning the meeting over to Mr. Rainey.

Mr. Rainey opened the Public Hearing by asking the applicant to come forward with any additional information.

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Jack Roek, 2229 Hwy 76, property owner stated there no was nothing else he wished to add to presentation.

Mr. Rainey asked the Board if there were any questions.

Mr. Suddath stated that he appreciated Mr. Roek's cooperation.

There being no one wishing to speak, Mr. Rainey closed the Public Hearing.

Mr. Holt made motion to approve a request for a Special Exception (Temporary Use Permit) to operate a Christmas Tree Sales Attraction in accordance with the submitted plan for 2279 Highway 76, Portland, contingent upon:

- a) Any required approvals from the County Building and Codes Department and State Fire Marshall shall be obtained;**
- b) Permit must be renewed annually.**

Ms. Webster seconded the motion.

The motion was approved unanimously.

Mr. Rainey turned the meeting over to Mr. Suddath for staff presentation.

- 3. Long Hollow Church** is requesting a variance from County requirements contained at Chapter 12, Section 1205, Subsection B of the Sumner County Zoning Resolution related to two proposed ground (monument) signs on the property. Variance is being requested in accordance with Chapter 12, Section 1208 of the County Zoning Resolution. Subject property is located at **3031 Long Hollow Pike, Hendersonville, TN, 37075**, is on Tax Map 123, Parcels 047.00 and 047.02, contains 27.79 acres and is zoned Rural Residential (RR) and is in the 7th Commission Voting District (Brian Stewart and Gene Rhodes).

Adjoining property owners were notified by certified mail and the agenda item was advertised in The Gallatin News on Thursday, June 30, 2022.

Mr. Suddath provided an overview of the property, stating that this request is for a variance from County Sign Requirements related to signage dimensions and requirements that prohibit internally lit signage. Applicant is seeking to vary from Chapter 12, Section 1205 B of the County Zoning Resolution. Proposed signs would replace existing externally lit signs located along Long Hollow Pike and New Shackle Island Road that serve the church.

Next Mr. Suddath displayed an aerial view of the property stated that property owners had been notified and Public Notice was printed in The Gallatin News and Hendersonville Standard. Mr.

**SUMNER COUNTY BOARD OF ZONING APPEALS
MINUTES
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Suddath displayed photos of the signs that will be replaced along with the application. Mr. Suddath stated that the church is located in a Rural Residential Zone.

Mr. Suddath explained that the proposed replacement sign would be larger than is currently allowed and would be internally lit. Mr. Suddath stated that a similar request for a church sign in Mitchellville had been before the Board a few months ago.

Mr. Harrison recused himself from discussion due to having done Civil Engineering work for the property.

Mr. Rainey opened the Public Hearing.

Regina Thompson, 1530 Riverside Drive, stated that exterior improvements are being done on site and had been asked to look at monument size and match to the improvements.

Mr. Utley asked if the location of the sign was the same.

Ms. Thompson replied that it was.

There being no one wishing to speak, Mr. Rainey closed the Public Hearing.



Mr. Holt made a motion to approve a request for a sign variance for two monument signs in accordance with the submitted plans for the referenced property, contingent upon;

- a) All required Zoning, Building and Land Disturbance Permits must be obtained from the Applicable County Departments.**

Ms. Webster seconded the motion. The motion passed unanimously.

There being no further business before the Board,

**Ms. Webster made a motion to adjourn, seconded by Mr. Harrison.
The meeting adjourned at 6:44 p.m.**

APPROVED BY  **DATE** 8-18-22
(Chairman)
 **DATE** 8-18-22
(Vice-Chair)